

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 436
97TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, April 25, 2013, with recommendation that the Senate Committee Substitute do pass.

1204S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 21.750, 571.030, 571.101, 571.107, 571.117, and 590.010, RSMo, and to enact in lieu thereof thirteen new sections relating to firearms, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 21.750, 571.030, 571.101, 571.107, 571.117, and
2 590.010, RSMo, are repealed and thirteen new sections enacted in lieu thereof,
3 to be known as sections 1.320, 21.750, 160.665, 571.011, 571.012, 571.030,
4 571.101, 571.107, 571.117, 590.010, 590.200, 590.205, and 590.207, to read as
5 follows:

1.320. 1. This section shall be known and may be cited as the
2 "Second Amendment Preservation Act".

3 2. The general assembly finds and declares that:

4 (1) The general assembly of the state of Missouri is firmly
5 resolved to support and defend the United States Constitution against
6 every aggression, either foreign or domestic, and the general assembly
7 is duty bound to watch over and oppose every infraction of those
8 principles which constitute the basis of the Union of the States, because
9 only a faithful observance of those principles can secure the nation's
10 existence and the public happiness;

11 (2) Acting through the United States Constitution, the people of
12 the several states created the federal government to be their agent in
13 the exercise of a few defined powers, while reserving to the state
14 governments the power to legislate on matters which concern the lives,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 liberties, and properties of citizens in the ordinary course of affairs;

16 (3) The limitation of the federal government's power is affirmed
17 under the Tenth Amendment to the United States Constitution, which
18 defines the total scope of federal power as being that which has been
19 delegated by the people of the several states to the federal government,
20 and all power not delegated to the federal government in the
21 Constitution of the United States is reserved to the states respectively,
22 or to the people themselves;

23 (4) Whenever the federal government assumes powers that the
24 people did not grant it in the Constitution, its acts are unauthoritative,
25 void, and of no force;

26 (5) The several states of the United States of America are not
27 united on the principle of unlimited submission to their federal
28 government. If the government created by the compact among the
29 states were the exclusive or final judge of the extent of the powers
30 granted to it by the Constitution, the federal government's discretion,
31 and not the Constitution, would be the measure of those powers. To the
32 contrary, as in all other cases of compacts among powers having no
33 common judge, each party has an equal right to judge itself, as well as
34 infractions of the mode and measure of redress. Although the several
35 states have granted supremacy to laws and treaties made pursuant to
36 the powers granted in the Constitution, such supremacy does not apply
37 to various federal statutes, orders, rules, regulations, or other actions
38 which restrict or prohibit the manufacture, ownership, and use of
39 firearms, firearm accessories, or ammunition exclusively within the
40 borders of Missouri; such statutes, orders, rules, regulations, and other
41 actions exceed the powers granted to the federal government except to
42 the extent they are necessary and proper for the government and
43 regulation of the land and naval forces of the United States or for the
44 organizing, arming, and disciplining of militia forces actively employed
45 in the service of the United States Armed Forces;

46 (6) The people of the several states have given Congress the
47 power "to regulate commerce with foreign nations, and among the
48 several states, and with the Indian tribes", but "regulating commerce"
49 does not include the power to limit citizens' right to keep and bear
50 arms in defense of their families, neighbors, persons, or property, or to
51 dictate to what sort of arms and accessories law-abiding mentally

52 competent Missourians may buy, sell, exchange, or otherwise possess
53 within the borders of this state;

54 (7) The people of the several states have also given Congress the
55 power "to lay and collect taxes, duties, imports, and excises, to pay the
56 debts, and provide for the common defense and general welfare of the
57 United States" and "to make all laws which shall be necessary and
58 proper for carrying into execution the powers vested by the
59 Constitution in the government of the United States, or in any
60 department or officer thereof". These constitutional provisions merely
61 identify the means by which the federal government may execute its
62 limited powers and ought not to be so construed as themselves to give
63 unlimited powers because to do so would be to destroy the balance of
64 power between the federal government and the state governments. We
65 deny any claim that the taxing and spending powers of Congress can be
66 used to diminish in any way the people's right to keep and bear arms;
67 and

68 (8) The people of Missouri have vested the general assembly with
69 the authority to regulate the manufacture, possession, exchange, and
70 use of firearms within this state's borders, subject only to the limits
71 imposed by the Second Amendment to the United States Constitution
72 and the Missouri Constitution.

73 3. (1) All federal acts, laws, orders, rules, and regulations,
74 whether past, present, or future, which infringe on the people's right
75 to keep and bear arms as guaranteed by the Second Amendment to the
76 United States Constitution and Article I, Section 23 of the Missouri
77 Constitution shall be invalid in this state, shall not be recognized by
78 this state, shall be specifically rejected by this state, and shall be
79 considered null and void and of no effect in this state.

80 (2) Such federal acts, laws, orders, rules, and regulations include,
81 but are not limited to:

82 (a) The provisions of the federal Gun Control Act of 1934;

83 (b) The provisions of the federal Gun Control Act of 1968;

84 (c) Any tax, levy, fee, or stamp imposed on firearms, firearm
85 accessories, or ammunition not common to all other goods and services
86 which could have a chilling effect on the purchase or ownership of
87 those items by law-abiding citizens;

88 (d) Any registering or tracking of firearms, firearm accessories,

89 **or ammunition which could have a chilling effect on the purchase or**
90 **ownership of those items by law-abiding citizens;**

91 **(e) Any registering or tracking of the owners of firearms, firearm**
92 **accessories, or ammunition which could have a chilling effect on the**
93 **purchase or ownership of those items by law-abiding citizens;**

94 **(f) Any act forbidding the possession, ownership, or use or**
95 **transfer of any type of firearm, firearm accessory, or ammunition by**
96 **law-abiding citizens; and**

97 **(g) Any act ordering the confiscation of firearms, firearm**
98 **accessories, or ammunition from law-abiding citizens.**

99 **4. It shall be the duty of the courts and law enforcement agencies**
100 **of this state to protect the rights of law-abiding citizens to keep and**
101 **bear arms within the borders of this state and from the infringements**
102 **in subsection 3 of this section.**

103 **5. No public officer or employee of this state shall have any**
104 **authority to enforce or attempt to enforce any of the infringements on**
105 **the right to keep and bear arms included in subsection 3 of this section.**

106 **6. Any official, agent, or employee of the United States**
107 **government who enforces or attempts to enforce any of the**
108 **infringements on the right to keep and bear arms included in**
109 **subsection 3 of this section is guilty of a class A misdemeanor.**

110 **7. Any Missouri citizen who has been subject to an effort to**
111 **enforce any of the infringements on the right to keep and bear arms**
112 **included in subsection 3 of this section shall have a private cause of**
113 **action for declaratory judgment and for damages against any person or**
114 **entity attempting such enforcement.**

21.750. 1. The general assembly hereby occupies and preempts the entire
2 field of legislation touching in any way firearms, components, ammunition and
3 supplies to the complete exclusion of any order, ordinance or regulation by any
4 political subdivision of this state. Any existing or future orders, ordinances or
5 regulations in this field are hereby and shall be null and void except as provided
6 in subsection 3 of this section.

7 **2. No county, city, town, village, municipality, or other political**
8 **subdivision of this state shall adopt any order, ordinance or regulation concerning**
9 **in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping,**
10 **possession, bearing, transportation, licensing, permit, registration, taxation other**
11 **than sales and compensating use taxes or other controls on firearms, components,**

12 ammunition, and supplies except as provided in subsection 3 of this section.

13 **3. (1) Except as provided in subdivision (2) of this subsection,**
14 nothing contained in this section shall prohibit any ordinance of any political
15 subdivision which conforms exactly with any of the provisions of sections 571.010
16 to 571.070, with appropriate penalty provisions, or which regulates the open
17 carrying of firearms readily capable of lethal use or the discharge of firearms
18 within a jurisdiction, provided such ordinance complies with the provisions of
19 section 252.243.

20 **(2) In any jurisdiction in which open carry of firearms is**
21 **prohibited by ordinance, open carry of a firearm shall not be**
22 **prohibited in accordance with the following:**

23 **(a) Any person with a valid concealed carry endorsement who is**
24 **open carrying a firearm shall be required to have a valid concealed**
25 **carry endorsement from this state or a permit from another state**
26 **permit which is recognized by this state in his or her possession at all**
27 **times;**

28 **(b) The open carrying of a firearm shall be limited to a firearm**
29 **sixteen inches or less in overall length;**

30 **(c) Any person open carrying a firearm in such jurisdiction shall**
31 **display his or her concealed carry endorsement upon demand of a law**
32 **enforcement officer;**

33 **(d) In the absence of any reasonable and articulable suspicion of**
34 **criminal activity, no person carrying a concealed or unconcealed**
35 **handgun shall be disarmed or physically restrained by a law**
36 **enforcement officer unless under arrest; and**

37 **(e) Any person who violates this subdivision shall be subject to**
38 **the penalty provided in section 571.121.**

39 **4. The lawful design, marketing, manufacture, distribution, or sale of**
40 **firearms or ammunition to the public is not an abnormally dangerous activity and**
41 **does not constitute a public or private nuisance.**

42 **5. No county, city, town, village or any other political subdivision nor the**
43 **state shall bring suit or have any right to recover against any firearms or**
44 **ammunition manufacturer, trade association or dealer for damages, abatement**
45 **or injunctive relief resulting from or relating to the lawful design, manufacture,**
46 **marketing, distribution, or sale of firearms or ammunition to the public. This**
47 **subsection shall apply to any suit pending as of October 12, 2003, as well as any**
48 **suit which may be brought in the future. Provided, however, that nothing in this**

49 section shall restrict the rights of individual citizens to recover for injury or death
50 caused by the negligent or defective design or manufacture of firearms or
51 ammunition.

52 6. Nothing in this section shall prevent the state, a county, city, town,
53 village or any other political subdivision from bringing an action against a
54 firearms or ammunition manufacturer or dealer for breach of contract or warranty
55 as to firearms or ammunition purchased by the state or such political subdivision.

**160.665. 1. Any school district within the state may designate
2 one or more elementary or secondary school teachers or administrators
3 as a school protection officer. The responsibilities and duties of a
4 school protection officer are voluntary and shall be in addition to the
5 normal responsibilities and duties of the teacher or administrator. Any
6 compensation for additional duties relating to service as a school
7 protection officer shall be funded by the local school district, with no
8 state funds used for such purpose.**

9 2. Any person designated by a school district as a school
10 protection officer shall be authorized to carry concealed firearms in
11 any school in the district and shall be required to keep such firearm on
12 his or her person at all times while on school property. Any school
13 protection officer who violates this subsection shall be removed
14 immediately from the classroom and subject to employment termination
15 proceedings.

16 3. Any person designated as a school protection officer may
17 detain, on view, any person the officer sees violating or who such
18 officer has reasonable grounds to believe has violated any law of this
19 state, including a misdemeanor or infraction, or any policy of the
20 school.

21 4. Any person detained by a school protection officer for
22 violation of any state law shall, as soon as practically possible, be
23 turned over to a law enforcement officer. However, in no case shall a
24 person detained under the provisions of this section be detained by a
25 school protection officer for more than four hours.

26 5. Any person detained by a school protection officer for
27 violation of any school policy shall, as soon as practically possible, be
28 turned over to a school administrator. However, in no case shall a
29 person detained under the provisions of this section be detained by a
30 school protection officer for more than four hours.

31 **6. Any teacher or administrator of an elementary or secondary**
32 **school who seeks to be designated as a school protection officer shall**
33 **request such designation, in writing, and submit it to the**
34 **superintendent of the school district which employs him or her as a**
35 **teacher or administrator. Along with this request the teacher or**
36 **administrator shall also submit proof that he or she has a valid**
37 **concealed carry endorsement and shall submit a certificate of school**
38 **protection officer training program completion from a training**
39 **program approved by the director of the department of public safety**
40 **which demonstrates that such person has successfully completed the**
41 **training requirements established by the POST commission under**
42 **chapter 590 for school protection officers.**

43 **7. No school district may designate a teacher or administrator as**
44 **a school protection officer unless such person has a valid concealed**
45 **carry endorsement and has successfully completed a school protection**
46 **officer training program which has been approved by the director of**
47 **the department of public safety.**

48 **8. Any school district which designates a teacher or**
49 **administrator as a school protection officer shall, within thirty days,**
50 **notify, in writing, the director of the department of public safety of the**
51 **designation which shall include the following:**

- 52 **(1) The full name, date of birth, and address of the officer;**
53 **(2) The name of the school district; and**
54 **(3) The date such person was designated as a school protection**
55 **officer.**

56 **Notwithstanding any other law, any identifying information collected**
57 **under the authority of this subsection shall not be considered public**
58 **information and shall not be subject to a sunshine request made under**
59 **chapter 610.**

60 **9. A school district may revoke the designation of a person as a**
61 **school protection officer for any reason and shall immediately notify**
62 **the designated school protection officer, in writing, of the**
63 **revocation. The school district shall also within thirty days of the**
64 **revocation notify the director of the department of public safety, in**
65 **writing, of the revocation of the designation of such person as a school**
66 **protection officer.**

67 **10. The director of the department of public safety shall**

68 maintain a listing of all persons designated by school districts as school
69 protection officers and shall make this list available to all law
70 enforcement agencies.

571.011. 1. No person or entity shall publish the name, address,
2 or other identifying information of any individual who owns a firearm
3 or who is an applicant for or holder of any license, certificate, permit,
4 or endorsement which allows such individual to own, acquire, possess,
5 or carry a firearm.

6 2. For purposes of this section, "publish" means to issue
7 information or material in printed or electronic form for distribution
8 or sale to the public.

9 3. Any person or entity who violates the provisions of this
10 section by publishing identifying information protected under this
11 section is guilty of a class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall
2 be required by law to:

3 (1) Inquire as to whether a patient owns a firearm;

4 (2) Document or maintain in a patient's medical records whether
5 such patient owns a firearm; or

6 (3) Notify any governmental entity of the identity of a patient
7 based solely on the patient's status as an owner of a firearm.

8 2. Nothing in this section shall be construed as prohibiting or
9 otherwise restricting a health care professional from inquiring,
10 documenting, or otherwise disclosing a patient's status as an owner of
11 a firearm if such inquiry, documentation, or disclosure is necessitated
12 or medically indicated by the health care professional's scope of
13 practice and such inquiry, documentation, or disclosure does not
14 violate any other state or federal law.

571.030. 1. A person commits the crime of unlawful use of weapons if he
2 or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily

10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his
12 or her person, while he or she is intoxicated, and handles or otherwise uses such
13 firearm or projectile weapon in either a negligent or unlawful manner or
14 discharges such firearm or projectile weapon unless acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,
18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board.

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
34 apply to the persons described in this subsection, regardless of whether such uses
35 are reasonably associated with or are necessary to the fulfillment of such person's
36 official duties except as otherwise provided in this subsection. Subdivisions (3),
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
38 of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed the
42 training required by the police officer standards and training commission
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
44 arrest for violation of the general criminal laws of the state or for violation of
45 ordinances of counties or municipalities of the state, whether such officers are on
46 or off duty, and whether such officers are within or outside of the law

47 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
48 in subsection 11 of this section, and who carry the identification defined in
49 subsection 12 of this section, or any person summoned by such officers to assist
50 in making arrests or preserving the peace while actually engaged in assisting
51 such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the Armed Forces or National Guard while performing
55 their official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of
57 Missouri with the judicial power of the state and those persons vested by Article
58 III of the Constitution of the United States with the judicial power of the United
59 States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or
61 criminal;

62 (6) Any federal probation officer or federal flight deck officer as defined
63 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless
64 of whether such officers are on duty, or within the law enforcement agency's
65 jurisdiction;

66 (7) Any state probation or parole officer, including supervisors and
67 members of the board of probation and parole;

68 (8) Any corporate security advisor meeting the definition and fulfilling the
69 requirements of the regulations established by the board of police commissioners
70 under section 84.340;

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
72 examiner;

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any
74 circuit attorney or assistant circuit attorney who has completed the firearms
75 safety training course required under subsection 2 of section 571.111; and

76 (11) Any member of a fire department or fire protection district who is
77 employed on a full-time basis as a fire investigator and who has a valid concealed
78 carry endorsement under section 571.111 when such uses are reasonably
79 associated with or are necessary to the fulfillment of such person's official duties.

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
81 apply when the actor is transporting such weapons in a nonfunctioning state or
82 in an unloaded state when ammunition is not readily accessible or when such
83 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section

84 does not apply to any person [twenty-one] **nineteen** years of age or older or
85 eighteen years of age or older and a member of the United States Armed Forces,
86 or honorably discharged from the United States Armed Forces, transporting a
87 concealable firearm in the passenger compartment of a motor vehicle, so long as
88 such concealable firearm is otherwise lawfully possessed, nor when the actor is
89 also in possession of an exposed firearm or projectile weapon for the lawful
90 pursuit of game, or is in his or her dwelling unit or upon premises over which the
91 actor has possession, authority or control, or is traveling in a continuous journey
92 peaceably through this state. Subdivision (10) of subsection 1 of this section does
93 not apply if the firearm is otherwise lawfully possessed by a person while
94 traversing school premises for the purposes of transporting a student to or from
95 school, or possessed by an adult for the purposes of facilitation of a school-
96 sanctioned firearm-related event or club event.

97 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
98 apply to any person who has a valid concealed carry endorsement issued pursuant
99 to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed
100 firearms issued by another state or political subdivision of another state.

101 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
102 section shall not apply to persons who are engaged in a lawful act of defense
103 pursuant to section 563.031.

104 6. Nothing in this section shall make it unlawful for a student to actually
105 participate in school-sanctioned gun safety courses, student military or ROTC
106 courses, or other school-sponsored or club-sponsored firearm-related events,
107 provided the student does not carry a firearm or other weapon readily capable of
108 lethal use into any school, onto any school bus, or onto the premises of any other
109 function or activity sponsored or sanctioned by school officials or the district
110 school board.

111 7. Unlawful use of weapons is a class D felony unless committed pursuant
112 to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a
113 class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in
114 which case it is a class A misdemeanor if the firearm is unloaded and a class D
115 felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section,
116 in which case it is a class B felony, except that if the violation of subdivision (9)
117 of subsection 1 of this section results in injury or death to another person, it is
118 a class A felony.

119 8. Violations of subdivision (9) of subsection 1 of this section shall be
120 punished as follows:

121 (1) For the first violation a person shall be sentenced to the maximum
122 authorized term of imprisonment for a class B felony;

123 (2) For any violation by a prior offender as defined in section 558.016, a
124 person shall be sentenced to the maximum authorized term of imprisonment for
125 a class B felony without the possibility of parole, probation or conditional release
126 for a term of ten years;

127 (3) For any violation by a persistent offender as defined in section
128 558.016, a person shall be sentenced to the maximum authorized term of
129 imprisonment for a class B felony without the possibility of parole, probation, or
130 conditional release;

131 (4) For any violation which results in injury or death to another person,
132 a person shall be sentenced to an authorized disposition for a class A felony.

133 9. Any person knowingly aiding or abetting any other person in the
134 violation of subdivision (9) of subsection 1 of this section shall be subject to the
135 same penalty as that prescribed by this section for violations by other persons.

136 10. Notwithstanding any other provision of law, no person who pleads
137 guilty to or is found guilty of a felony violation of subsection 1 of this section shall
138 receive a suspended imposition of sentence if such person has previously received
139 a suspended imposition of sentence for any other firearms- or weapons-related
140 felony offense.

141 11. As used in this section "qualified retired peace officer" means an
142 individual who:

143 (1) Retired in good standing from service with a public agency as a peace
144 officer, other than for reasons of mental instability;

145 (2) Before such retirement, was authorized by law to engage in or
146 supervise the prevention, detection, investigation, or prosecution of, or the
147 incarceration of any person for, any violation of law, and had statutory powers of
148 arrest;

149 (3) Before such retirement, was regularly employed as a peace officer for
150 an aggregate of fifteen years or more, or retired from service with such agency,
151 after completing any applicable probationary period of such service, due to a
152 service-connected disability, as determined by such agency;

153 (4) Has a nonforfeitable right to benefits under the retirement plan of the
154 agency if such a plan is available;

155 (5) During the most recent twelve-month period, has met, at the expense
156 of the individual, the standards for training and qualification for active peace
157 officers to carry firearms;

158 (6) Is not under the influence of alcohol or another intoxicating or
159 hallucinatory drug or substance; and

160 (7) Is not prohibited by federal law from receiving a firearm.

161 12. The identification required by subdivision (1) of subsection 2 of this
162 section is:

163 (1) A photographic identification issued by the agency from which the
164 individual retired from service as a peace officer that indicates that the individual
165 has, not less recently than one year before the date the individual is carrying the
166 concealed firearm, been tested or otherwise found by the agency to meet the
167 standards established by the agency for training and qualification for active peace
168 officers to carry a firearm of the same type as the concealed firearm; or

169 (2) A photographic identification issued by the agency from which the
170 individual retired from service as a peace officer; and

171 (3) A certification issued by the state in which the individual resides that
172 indicates that the individual has, not less recently than one year before the date
173 the individual is carrying the concealed firearm, been tested or otherwise found
174 by the state to meet the standards established by the state for training and
175 qualification for active peace officers to carry a firearm of the same type as the
176 concealed firearm.

571.101. 1. All applicants for concealed carry endorsements issued
2 pursuant to subsection 7 of this section must satisfy the requirements of sections
3 571.101 to 571.121. If the said applicant can show qualification as provided by
4 sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate,
6 the certificate holder shall apply for a driver's license or nondriver's license with
7 the director of revenue in order to obtain a concealed carry endorsement. Any
8 person who has been issued a concealed carry endorsement on a driver's license
9 or nondriver's license and such endorsement or license has not been suspended,
10 revoked, cancelled, or denied may carry concealed firearms on or about his or her
11 person or within a vehicle. A concealed carry endorsement shall be valid for a
12 period of three years from the date of issuance or renewal. The concealed carry
13 endorsement is valid throughout this state.

14 2. A certificate of qualification for a concealed carry endorsement issued
15 pursuant to subsection 7 of this section shall be issued by the sheriff or his or her
16 designee of the county or city in which the applicant resides, if the applicant:

17 (1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the
18 United States and either:

- 19 (a) Has assumed residency in this state; or
- 20 (b) Is a member of the Armed Forces stationed in Missouri, or the spouse
- 21 of such member of the military;
- 22 (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen
- 23 years of age and a member of the United States Armed Forces or honorably
- 24 discharged from the United States Armed Forces, and is a citizen of the United
- 25 States and either:
- 26 (a) Has assumed residency in this state;
- 27 (b) Is a member of the Armed Forces stationed in Missouri; or
- 28 (c) The spouse of such member of the military stationed in Missouri and
- 29 [twenty-one] **nineteen** years of age;
- 30 (3) Has not pled guilty to or entered a plea of nolo contendere or been
- 31 convicted of a crime punishable by imprisonment for a term exceeding one year
- 32 under the laws of any state or of the United States other than a crime classified
- 33 as a misdemeanor under the laws of any state and punishable by a term of
- 34 imprisonment of one year or less that does not involve an explosive weapon,
- 35 firearm, firearm silencer or gas gun;
- 36 (4) Has not been convicted of, pled guilty to or entered a plea of nolo
- 37 contendere to one or more misdemeanor offenses involving crimes of violence
- 38 within a five-year period immediately preceding application for a certificate of
- 39 qualification for a concealed carry endorsement or if the applicant has not been
- 40 convicted of two or more misdemeanor offenses involving driving while under the
- 41 influence of intoxicating liquor or drugs or the possession or abuse of a controlled
- 42 substance within a five-year period immediately preceding application for a
- 43 certificate of qualification for a concealed carry endorsement;
- 44 (5) Is not a fugitive from justice or currently charged in an information
- 45 or indictment with the commission of a crime punishable by imprisonment for a
- 46 term exceeding one year under the laws of any state of the United States other
- 47 than a crime classified as a misdemeanor under the laws of any state and
- 48 punishable by a term of imprisonment of two years or less that does not involve
- 49 an explosive weapon, firearm, firearm silencer, or gas gun;
- 50 (6) Has not been discharged under dishonorable conditions from the
- 51 United States Armed Forces;
- 52 (7) Has not engaged in a pattern of behavior, documented in public
- 53 records, that causes the sheriff to have a reasonable belief that the applicant
- 54 presents a danger to himself or others;
- 55 (8) Is not adjudged mentally incompetent at the time of application or for

56 five years prior to application, or has not been committed to a mental health
57 facility, as defined in section 632.005, or a similar institution located in another
58 state following a hearing at which the defendant was represented by counsel or
59 a representative;

60 (9) Submits a completed application for a certificate of qualification as
61 described in subsection 3 of this section;

62 (10) Submits an affidavit attesting that the applicant complies with the
63 concealed carry safety training requirement pursuant to subsections 1 and 2 of
64 section 571.111;

65 (11) Is not the respondent of a valid full order of protection which is still
66 in effect.

67 3. The application for a certificate of qualification for a concealed carry
68 endorsement issued by the sheriff of the county of the applicant's residence shall
69 contain only the following information:

70 (1) The applicant's name, address, telephone number, gender, and date
71 and place of birth;

72 (2) An affirmation that the applicant has assumed residency in Missouri
73 or is a member of the Armed Forces stationed in Missouri or the spouse of such
74 a member of the Armed Forces and is a citizen of the United States;

75 (3) An affirmation that the applicant is at least [twenty-one] **nineteen**
76 years of age or is eighteen years of age or older and a member of the United
77 States Armed Forces or honorably discharged from the United States Armed
78 Forces;

79 (4) An affirmation that the applicant has not pled guilty to or been
80 convicted of a crime punishable by imprisonment for a term exceeding one year
81 under the laws of any state or of the United States other than a crime classified
82 as a misdemeanor under the laws of any state and punishable by a term of
83 imprisonment of one year or less that does not involve an explosive weapon,
84 firearm, firearm silencer, or gas gun;

85 (5) An affirmation that the applicant has not been convicted of, pled guilty
86 to, or entered a plea of nolo contendere to one or more misdemeanor offenses
87 involving crimes of violence within a five-year period immediately preceding
88 application for a certificate of qualification to obtain a concealed carry
89 endorsement or if the applicant has not been convicted of two or more
90 misdemeanor offenses involving driving while under the influence of intoxicating
91 liquor or drugs or the possession or abuse of a controlled substance within a five-
92 year period immediately preceding application for a certificate of qualification to

93 obtain a concealed carry endorsement;

94 (6) An affirmation that the applicant is not a fugitive from justice or
95 currently charged in an information or indictment with the commission of a crime
96 punishable by imprisonment for a term exceeding one year under the laws of any
97 state or of the United States other than a crime classified as a misdemeanor
98 under the laws of any state and punishable by a term of imprisonment of two
99 years or less that does not involve an explosive weapon, firearm, firearm silencer
100 or gas gun;

101 (7) An affirmation that the applicant has not been discharged under
102 dishonorable conditions from the United States Armed Forces;

103 (8) An affirmation that the applicant is not adjudged mentally
104 incompetent at the time of application or for five years prior to application, or has
105 not been committed to a mental health facility, as defined in section 632.005, or
106 a similar institution located in another state, except that a person whose release
107 or discharge from a facility in this state pursuant to chapter 632, or a similar
108 discharge from a facility in another state, occurred more than five years ago
109 without subsequent recommitment may apply;

110 (9) An affirmation that the applicant has received firearms safety training
111 that meets the standards of applicant firearms safety training defined in
112 subsection 1 or 2 of section 571.111;

113 (10) An affirmation that the applicant, to the applicant's best knowledge
114 and belief, is not the respondent of a valid full order of protection which is still
115 in effect; and

116 (11) A conspicuous warning that false statements made by the applicant
117 will result in prosecution for perjury pursuant to the laws of the state of
118 Missouri.

119 4. An application for a certificate of qualification for a concealed carry
120 endorsement shall be made to the sheriff of the county or any city not within a
121 county in which the applicant resides. An application shall be filed in writing,
122 signed under oath and under the penalties of perjury, and shall state whether the
123 applicant complies with each of the requirements specified in subsection 2 of this
124 section. In addition to the completed application, the applicant for a certificate
125 of qualification for a concealed carry endorsement must also submit the following:

126 (1) A photocopy of a firearms safety training certificate of completion or
127 other evidence of completion of a firearms safety training course that meets the
128 standards established in subsection 1 or 2 of section 571.111; and

129 (2) A nonrefundable certificate of qualification fee as provided by

130 subsection 10 or 11 of this section.

131 5. Before an application for a certificate of qualification for a concealed
132 carry endorsement is approved, the sheriff shall make only such inquiries as he
133 or she deems necessary into the accuracy of the statements made in the
134 application. The sheriff may require that the applicant display a Missouri
135 driver's license or nondriver's license or military identification and orders
136 showing the person being stationed in Missouri. In order to determine the
137 applicant's suitability for a certificate of qualification for a concealed carry
138 endorsement, the applicant shall be fingerprinted. The sheriff shall request a
139 criminal background check through the appropriate law enforcement agency
140 within three working days after submission of the properly completed application
141 for a certificate of qualification for a concealed carry endorsement. If no
142 disqualifying record is identified by the fingerprint check at the state level, the
143 fingerprints shall be forwarded to the Federal Bureau of Investigation for a
144 national criminal history record check. Upon receipt of the completed background
145 check, the sheriff shall issue a certificate of qualification for a concealed carry
146 endorsement within three working days. The sheriff shall issue the certificate
147 within forty-five calendar days if the criminal background check has not been
148 received, provided that the sheriff shall revoke any such certificate and
149 endorsement within twenty-four hours of receipt of any background check that
150 results in a disqualifying record, and shall notify the department of revenue.

151 6. The sheriff may refuse to approve an application for a certificate of
152 qualification for a concealed carry endorsement if he or she determines that any
153 of the requirements specified in subsection 2 of this section have not been met,
154 or if he or she has a substantial and demonstrable reason to believe that the
155 applicant has rendered a false statement regarding any of the provisions of
156 sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff
157 is required to deny the application, and notify the applicant in writing, stating
158 the grounds for denial and informing the applicant of the right to submit, within
159 thirty days, any additional documentation relating to the grounds of the
160 denial. Upon receiving any additional documentation, the sheriff shall reconsider
161 his or her decision and inform the applicant within thirty days of the result of the
162 reconsideration. The applicant shall further be informed in writing of the right
163 to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section
164 571.114. After two additional reviews and denials by the sheriff, the person
165 submitting the application shall appeal the denial pursuant to subsections 2, 3,
166 4, and 5 of section 571.114.

167 7. If the application is approved, the sheriff shall issue a certificate of
168 qualification for a concealed carry endorsement to the applicant within a period
169 not to exceed three working days after his or her approval of the application. The
170 applicant shall sign the certificate of qualification in the presence of the sheriff
171 or his or her designee and shall within seven days of receipt of the certificate of
172 qualification take the certificate of qualification to the department of
173 revenue. Upon verification of the certificate of qualification and completion of a
174 driver's license or nondriver's license application pursuant to chapter 302, the
175 director of revenue shall issue a new driver's license or nondriver's license with
176 an endorsement which identifies that the applicant has received a certificate of
177 qualification to carry concealed weapons issued pursuant to sections 571.101 to
178 571.121 if the applicant is otherwise qualified to receive such driver's license or
179 nondriver's license. Notwithstanding any other provision of chapter 302, a
180 nondriver's license with a concealed carry endorsement shall expire three years
181 from the date the certificate of qualification was issued pursuant to this
182 section. The requirements for the director of revenue to issue a concealed carry
183 endorsement pursuant to this subsection shall not be effective until July 1, 2004,
184 and the certificate of qualification issued by a county sheriff pursuant to
185 subsection 1 of this section shall allow the person issued such certificate to carry
186 a concealed weapon pursuant to the requirements of subsection 1 of section
187 571.107 in lieu of the concealed carry endorsement issued by the director of
188 revenue from October 11, 2003, until the concealed carry endorsement is issued
189 by the director of revenue on or after July 1, 2004, unless such certificate of
190 qualification has been suspended or revoked for cause.

191 8. The sheriff shall keep a record of all applications for a certificate of
192 qualification for a concealed carry endorsement and his or her action
193 thereon. The sheriff shall report the issuance of a certificate of qualification to
194 the Missouri uniform law enforcement system. All information on any such
195 certificate that is protected information on any driver's or nondriver's license
196 shall have the same personal protection for purposes of sections 571.101 to
197 571.121. An applicant's status as a holder of a certificate of qualification or a
198 concealed carry endorsement shall not be public information and shall be
199 considered personal protected information. Any person who violates the
200 provisions of this subsection by disclosing protected information shall be guilty
201 of a class A misdemeanor.

202 9. Information regarding any holder of a certificate of qualification or a
203 concealed carry endorsement is a closed record.

204 10. For processing an application for a certificate of qualification for a
205 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
206 in each county shall charge a nonrefundable fee not to exceed one hundred dollars
207 which shall be paid to the treasury of the county to the credit of the sheriff's
208 revolving fund.

209 11. For processing a renewal for a certificate of qualification for a
210 concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff
211 in each county shall charge a nonrefundable fee not to exceed fifty dollars which
212 shall be paid to the treasury of the county to the credit of the sheriff's revolving
213 fund.

214 12. For the purposes of sections 571.101 to 571.121, the term "sheriff"
215 shall include the sheriff of any county or city not within a county or his or her
216 designee and in counties of the first classification the sheriff may designate the
217 chief of police of any city, town, or municipality within such county.

571.107. 1. A concealed carry endorsement issued pursuant to sections
2 571.101 to 571.121 or a concealed carry endorsement or permit issued by another
3 state or political subdivision of another state shall authorize the person in whose
4 name the permit or endorsement is issued to carry concealed firearms on or about
5 his or her person or vehicle throughout the state. No driver's license or
6 nondriver's license containing a concealed carry endorsement issued pursuant to
7 sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by
8 another state or political subdivision of another state shall authorize any person
9 to carry concealed firearms into:

10 (1) Any police, sheriff, or highway patrol office or station without the
11 consent of the chief law enforcement officer in charge of that office or
12 station. Possession of a firearm in a vehicle on the premises of the office or
13 station shall not be a criminal offense so long as the firearm is not removed from
14 the vehicle or brandished while the vehicle is on the premises;

15 (2) Within twenty-five feet of any polling place on any election
16 day. Possession of a firearm in a vehicle on the premises of the polling place
17 shall not be a criminal offense so long as the firearm is not removed from the
18 vehicle or brandished while the vehicle is on the premises;

19 (3) The facility of any adult or juvenile detention or correctional
20 institution, prison or jail. Possession of a firearm in a vehicle on the premises of
21 any adult, juvenile detention, or correctional institution, prison or jail shall not
22 be a criminal offense so long as the firearm is not removed from the vehicle or
23 brandished while the vehicle is on the premises;

24 (4) Any courthouse solely occupied by the circuit, appellate or supreme
25 court, or any courtrooms, administrative offices, libraries or other rooms of any
26 such court whether or not such court solely occupies the building in
27 question. This subdivision shall also include, but not be limited to, any juvenile,
28 family, drug, or other court offices, any room or office wherein any of the courts
29 or offices listed in this subdivision are temporarily conducting any business
30 within the jurisdiction of such courts or offices, and such other locations in such
31 manner as may be specified by supreme court rule pursuant to subdivision (6) of
32 this subsection. Nothing in this subdivision shall preclude those persons listed
33 in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction
34 and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection
35 2 of section 571.030, or such other persons who serve in a law enforcement
36 capacity for a court as may be specified by supreme court rule pursuant to
37 subdivision (6) of this subsection from carrying a concealed firearm within any
38 of the areas described in this subdivision. Possession of a firearm in a vehicle on
39 the premises of any of the areas listed in this subdivision shall not be a criminal
40 offense so long as the firearm is not removed from the vehicle or brandished while
41 the vehicle is on the premises;

42 (5) Any meeting of the governing body of a unit of local government; or
43 any meeting of the general assembly or a committee of the general assembly,
44 except that nothing in this subdivision shall preclude a member of the body
45 holding a valid concealed carry endorsement from carrying a concealed firearm
46 at a meeting of the body which he or she is a member. Possession of a firearm
47 in a vehicle on the premises shall not be a criminal offense so long as the firearm
48 is not removed from the vehicle or brandished while the vehicle is on the
49 premises. Nothing in this subdivision shall preclude a member of the general
50 assembly, a full-time employee of the general assembly employed under section
51 17, article III, Constitution of Missouri, legislative employees of the general
52 assembly as determined under section 21.155, or statewide elected officials and
53 their employees, holding a valid concealed carry endorsement, from carrying a
54 concealed firearm in the state capitol building or at a meeting whether of the full
55 body of a house of the general assembly or a committee thereof, that is held in the
56 state capitol building;

57 (6) The general assembly, supreme court, county or municipality may by
58 rule, administrative regulation, or ordinance prohibit or limit the carrying of
59 concealed firearms by endorsement holders in that portion of a building owned,
60 leased or controlled by that unit of government. Any portion of a building in

61 which the carrying of concealed firearms is prohibited or limited shall be clearly
62 identified by signs posted at the entrance to the restricted area. The statute, rule
63 or ordinance shall exempt any building used for public housing by private
64 persons, highways or rest areas, firing ranges, and private dwellings owned,
65 leased, or controlled by that unit of government from any restriction on the
66 carrying or possession of a firearm. The statute, rule or ordinance shall not
67 specify any criminal penalty for its violation but may specify that persons
68 violating the statute, rule or ordinance may be denied entrance to the building,
69 ordered to leave the building and if employees of the unit of government, be
70 subjected to disciplinary measures for violation of the provisions of the statute,
71 rule or ordinance. The provisions of this subdivision shall not apply to any other
72 unit of government;

73 (7) Any establishment licensed to dispense intoxicating liquor for
74 consumption on the premises, which portion is primarily devoted to that purpose,
75 without the consent of the owner or manager. The provisions of this subdivision
76 shall not apply to the licensee of said establishment. The provisions of this
77 subdivision shall not apply to any bona fide restaurant open to the general public
78 having dining facilities for not less than fifty persons and that receives at least
79 fifty-one percent of its gross annual income from the dining facilities by the sale
80 of food. This subdivision does not prohibit the possession of a firearm in a vehicle
81 on the premises of the establishment and shall not be a criminal offense so long
82 as the firearm is not removed from the vehicle or brandished while the vehicle is
83 on the premises. Nothing in this subdivision authorizes any individual who has
84 been issued a concealed carry endorsement to possess any firearm while
85 intoxicated;

86 (8) Any area of an airport to which access is controlled by the inspection
87 of persons and property. Possession of a firearm in a vehicle on the premises of
88 the airport shall not be a criminal offense so long as the firearm is not removed
89 from the vehicle or brandished while the vehicle is on the premises;

90 (9) Any place where the carrying of a firearm is prohibited by federal law;

91 (10) Any higher education institution or elementary or secondary school
92 facility without the consent of the governing body of the higher education
93 institution or a school official or the district school board, **unless the person**
94 **with the concealed carry endorsement or permit is a teacher or**
95 **administrator of an elementary or secondary school who has been**
96 **designated by his or her school district as a school protection officer**
97 **and is carrying a firearm in a school within that district, in which case**

98 **no consent is required.** Possession of a firearm in a vehicle on the premises
99 of any higher education institution or elementary or secondary school facility
100 shall not be a criminal offense so long as the firearm is not removed from the
101 vehicle or brandished while the vehicle is on the premises;

102 (11) Any portion of a building used as a child care facility without the
103 consent of the manager. Nothing in this subdivision shall prevent the operator
104 of a child care facility in a family home from owning or possessing a firearm or
105 a driver's license or nondriver's license containing a concealed carry endorsement;

106 (12) Any riverboat gambling operation accessible by the public without the
107 consent of the owner or manager pursuant to rules promulgated by the gaming
108 commission. Possession of a firearm in a vehicle on the premises of a riverboat
109 gambling operation shall not be a criminal offense so long as the firearm is not
110 removed from the vehicle or brandished while the vehicle is on the premises;

111 (13) Any gated area of an amusement park. Possession of a firearm in a
112 vehicle on the premises of the amusement park shall not be a criminal offense so
113 long as the firearm is not removed from the vehicle or brandished while the
114 vehicle is on the premises;

115 (14) Any church or other place of religious worship without the consent
116 of the minister or person or persons representing the religious organization that
117 exercises control over the place of religious worship. Possession of a firearm in
118 a vehicle on the premises shall not be a criminal offense so long as the firearm
119 is not removed from the vehicle or brandished while the vehicle is on the
120 premises;

121 (15) Any private property whose owner has posted the premises as being
122 off-limits to concealed firearms by means of one or more signs displayed in a
123 conspicuous place of a minimum size of eleven inches by fourteen inches with the
124 writing thereon in letters of not less than one inch. The owner, business or
125 commercial lessee, manager of a private business enterprise, or any other
126 organization, entity, or person may prohibit persons holding a concealed carry
127 endorsement from carrying concealed firearms on the premises and may prohibit
128 employees, not authorized by the employer, holding a concealed carry
129 endorsement from carrying concealed firearms on the property of the employer.
130 If the building or the premises are open to the public, the employer of the
131 business enterprise shall post signs on or about the premises if carrying a
132 concealed firearm is prohibited. Possession of a firearm in a vehicle on the
133 premises shall not be a criminal offense so long as the firearm is not removed
134 from the vehicle or brandished while the vehicle is on the premises. An employer

135 may prohibit employees or other persons holding a concealed carry endorsement
136 from carrying a concealed firearm in vehicles owned by the employer;

137 (16) Any sports arena or stadium with a seating capacity of five thousand
138 or more. Possession of a firearm in a vehicle on the premises shall not be a
139 criminal offense so long as the firearm is not removed from the vehicle or
140 brandished while the vehicle is on the premises;

141 (17) Any hospital accessible by the public. Possession of a firearm in a
142 vehicle on the premises of a hospital shall not be a criminal offense so long as the
143 firearm is not removed from the vehicle or brandished while the vehicle is on the
144 premises.

145 2. Carrying of a concealed firearm in a location specified in subdivisions

146 (1) to (17) of subsection 1 of this section by any individual who holds a concealed
147 carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a
148 criminal act but may subject the person to denial to the premises or removal from
149 the premises. If such person refuses to leave the premises and a peace officer is
150 summoned, such person may be issued a citation for an amount not to exceed one
151 hundred dollars for the first offense. If a second citation for a similar violation
152 occurs within a six-month period, such person shall be fined an amount not to
153 exceed two hundred dollars and his or her endorsement to carry concealed
154 firearms shall be suspended for a period of one year. If a third citation for a
155 similar violation is issued within one year of the first citation, such person shall
156 be fined an amount not to exceed five hundred dollars and shall have his or her
157 concealed carry endorsement revoked and such person shall not be eligible for a
158 concealed carry endorsement for a period of three years. Upon conviction of
159 charges arising from a citation issued pursuant to this subsection, the court shall
160 notify the sheriff of the county which issued the certificate of qualification for a
161 concealed carry endorsement and the department of revenue. The sheriff shall
162 suspend or revoke the certificate of qualification for a concealed carry
163 endorsement and the department of revenue shall issue a notice of such
164 suspension or revocation of the concealed carry endorsement and take action to
165 remove the concealed carry endorsement from the individual's driving
166 record. The director of revenue shall notify the licensee that he or she must
167 apply for a new license pursuant to chapter 302 which does not contain such
168 endorsement. A concealed carry endorsement suspension pursuant to sections
169 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her
170 driver's license. The notice issued by the department of revenue shall be mailed
171 to the last known address shown on the individual's driving record. The notice

172 is deemed received three days after mailing.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION

OF CERTIFICATE OF QUALIFICATION

OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON

THAT APPLIES TO THIS DEFENDANT)

Defendant is not at least [twenty-one] **nineteen** years of age or at least

- 36 eighteen years of age and a member of the United States Armed Forces or
37 honorably discharged from the United States Armed Forces.
- 38 Defendant is not a citizen of the United States.
- 39 Defendant had not resided in this state prior to issuance of the permit and
40 does not qualify as a military member or spouse of a military member
41 stationed in Missouri.
- 42 Defendant has pled guilty to or been convicted of a crime punishable by
43 imprisonment for a term exceeding one year under the laws of any state
44 or of the United States other than a crime classified as a misdemeanor
45 under the laws of any state and punishable by a term of imprisonment of
46 one year or less that does not involve an explosive weapon, firearm,
47 firearm silencer, or gas gun.
- 48 Defendant has been convicted of, pled guilty to or entered a plea of nolo
49 contendere to one or more misdemeanor offenses involving crimes of
50 violence within a five-year period immediately preceding application for
51 a certificate of qualification or concealed carry endorsement issued
52 pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has
53 been convicted of two or more misdemeanor offenses involving driving
54 while under the influence of intoxicating liquor or drugs or the possession
55 or abuse of a controlled substance within a five-year period immediately
56 preceding application for a certificate of qualification or a concealed carry
57 endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- 58 Defendant is a fugitive from justice or currently charged in an information
59 or indictment with the commission of a crime punishable by imprisonment
60 for a term exceeding one year under the laws of any state of the United
61 States other than a crime classified as a misdemeanor under the laws of
62 any state and punishable by a term of imprisonment of one year or less
63 that does not involve an explosive weapon, firearm, firearm silencer, or
64 gas gun.
- 65 Defendant has been discharged under dishonorable conditions from the
66 United States Armed Forces.
- 67 Defendant is reasonably believed by the sheriff to be a danger to self or
68 others based on previous, documented pattern.
- 69 Defendant is adjudged mentally incompetent at the time of application or

70 for five years prior to application, or has been committed to a mental
71 health facility, as defined in section 632.005, RSMo, or a similar
72 institution located in another state, except that a person whose release or
73 discharge from a facility in this state pursuant to chapter 632, RSMo, or
74 a similar discharge from a facility in another state, occurred more than
75 five years ago without subsequent recommitment may apply.

76 Defendant failed to submit a completed application for a certificate of
77 qualification or concealed carry endorsement issued pursuant to sections
78 571.101 to 571.121, RSMo.

79 Defendant failed to submit to or failed to clear the required background
80 check.

81 Defendant failed to submit an affidavit attesting that the applicant
82 complies with the concealed carry safety training requirement pursuant
83 to subsection 1 of section 571.111, RSMo.

84 The plaintiff subject to penalty for perjury states that the information contained
85 in this petition is true and correct to the best of the plaintiff's knowledge, is
86 reasonably based upon the petitioner's personal knowledge and is not primarily
87 intended to harass the defendant/respondent named herein.

88, PLAINTIFF

89 2. If at the hearing the plaintiff shows that the defendant was not eligible
90 for the certificate of qualification or the concealed carry endorsement issued
91 pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is
92 no longer eligible for a certificate of qualification or the concealed carry
93 endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the
94 court shall issue an appropriate order to cause the revocation of the certificate of
95 qualification or concealed carry endorsement. Costs shall not be assessed against
96 the sheriff.

97 3. The finder of fact, in any action brought against an endorsement holder
98 pursuant to subsection 1 of this section, shall make findings of fact and the court
99 shall make conclusions of law addressing the issues at dispute. If it is
100 determined that the plaintiff in such an action acted without justification or with
101 malice or primarily with an intent to harass the endorsement holder or that there
102 was no reasonable basis to bring the action, the court shall order the plaintiff to
103 pay the defendant/respondent all reasonable costs incurred in defending the
104 action including, but not limited to, attorney's fees, deposition costs, and lost
105 wages. Once the court determines that the plaintiff is liable to the

106 defendant/respondent for costs and fees, the extent and type of fees and costs to
107 be awarded should be liberally calculated in defendant/respondent's
108 favor. Notwithstanding any other provision of law, reasonable attorney's fees
109 shall be presumed to be at least one hundred fifty dollars per hour.

110 4. Any person aggrieved by any final judgment rendered by a small claims
111 court in a petition for revocation of a certificate of qualification or concealed carry
112 endorsement may have a right to trial de novo as provided in sections 512.180 to
113 512.320.

114 5. The office of the county sheriff or any employee or agent of the county
115 sheriff shall not be liable for damages in any civil action arising from alleged
116 wrongful or improper granting, renewing, or failure to revoke a certificate of
117 qualification or a concealed carry endorsement issued pursuant to sections
118 571.101 to 571.121, so long as the sheriff acted in good faith.

590.010. As used in this chapter, the following terms mean:

2 (1) "Commission", when not obviously referring to the POST commission,
3 means a grant of authority to act as a peace officer;

4 (2) "Director", the director of the Missouri department of public safety or
5 his or her designated agent or representative;

6 (3) "Peace officer", a law enforcement officer of the state or any political
7 subdivision of the state with the power of arrest for a violation of the criminal
8 code or declared or deemed to be a peace officer by state statute;

9 (4) "POST commission", the peace officer standards and training
10 commission;

11 (5) "Reserve peace officer", a peace officer who regularly works less than
12 thirty hours per week;

13 **(6) "School protection officer", an elementary or secondary school**
14 **teacher or administrator who has been designated as a school**
15 **protection officer by a school district.**

590.200. 1. The POST commission shall:

2 **(1) Establish minimum standards for the training of school**
3 **protection officers;**

4 **(2) Set the minimum number of hours of training required for a**
5 **school protection officer; and**

6 **(3) Set the curriculum for school protection officer training**
7 **programs.**

8 **2. At a minimum this training shall include:**

9 **(1) Instruction specific to the prevention of incidents of violence**

10 in schools;

11 (2) The handling of emergency or violent crisis situations in
12 school settings;

13 (3) A review of all state criminal laws;

14 (4) Training involving the use of defensive force; and

15 (5) Training involving the use of deadly force.

590.205. 1. The POST commission shall establish minimum
2 standards for school protection officer training instructors, training
3 centers, and training programs.

4 2. The director shall develop and maintain a list of approved
5 school protection officer training instructors, training centers, and
6 training programs. The director shall not place any instructor, training
7 center, or training program on its approved list unless such instructor,
8 training center, or training program meets all of the POST commission
9 requirements under this section and section 590.200. The director shall
10 make this approved list available to every school district in the state.

11 3. Each person seeking entrance into a school protection officer
12 training center or training program shall submit a fingerprint card and
13 authorization for a criminal history background check to include the
14 records of the Federal Bureau of Investigation to the training center or
15 training program where such person is seeking entrance. The training
16 center or training program shall cause a criminal history background
17 check to be made and shall cause the resulting report to be forwarded
18 to the school district where the elementary school teacher or
19 administrator is seeking to be designated as a school protection officer.

20 4. No person shall be admitted to a school protection officer
21 training center or training program unless such person submits proof
22 to the training center or training program that he or she has a valid
23 concealed carry endorsement.

24 5. A certificate of school protection officer training program
25 completion may be issued to any applicant by any approved school
26 protection officer training instructor. On the certificate of program
27 completion the approved school protection officer training instructor
28 shall affirm that the individual receiving instruction has taken and
29 passed a school protection officer training program that meets the
30 requirements of this section and section 590.200 and that the individual
31 has a valid concealed carry endorsement. The instructor shall also

32 provide a copy of such certificate to the director of the department of
33 public safety.

590.207. 1. Notwithstanding any other provision of law, any
2 person designated as a school protection officer under the provisions
3 of section 160.665 who fails to properly carry his or her concealed
4 weapon on his or her person at all times while on school property as
5 provided under subsection 2 of section 160.655 shall be guilty of a class
6 A misdemeanor and shall be subject to employment termination
7 proceedings within the school district.

8 2. Any school employee who discloses any information collected
9 under subsection 8 of section 160.655 that contains identifying personal
10 information about any person designated as a school protection officer
11 to anyone other than those authorized to receive the information under
12 subsection 8 of section 160.655 shall be guilty of a class B misdemeanor
13 and shall be subject to employment termination proceedings within the
14 school district.

Bill ✓

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